

**TARTER KRINSKY & DROGIN LLP**

*Attorneys for Lawrence Jacobs*

*Debtor*

1350 Broadway, 11<sup>th</sup> Floor

New York, New York 10018

(212) 216-8000

Scott S. Markowitz, Esq.

Alyse M. Aruch, Esq.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

|                                     |   |                              |
|-------------------------------------|---|------------------------------|
| -----                               | X |                              |
| In re:                              | : | Chapter 7                    |
|                                     | : |                              |
| LAWRENCE JACOBS,                    | : | Case No. 09-17499 (BRL)      |
|                                     | : |                              |
| Debtor.                             | : |                              |
| -----                               | X |                              |
| MARINA DISTRICT DEVELOPMENT CO. LLC | : |                              |
| T/A BORGATA,                        | : |                              |
|                                     | : |                              |
| Plaintiff,                          | : | Adv. Pro. No. 10-02906 (BRL) |
|                                     | : |                              |
| -against-                           | : |                              |
|                                     | : |                              |
| LAWRENCE JACOBS,                    | : |                              |
|                                     | : |                              |
| Defendant.                          | : |                              |
| -----                               | X |                              |

**ANSWER**

Defendant, LAWRENCE JACOBS (“Defendant” or “Debtor”), by and through his undersigned counsel, respectfully submits the following answer to the complaint dated March 11, 2010 (the “Complaint”):

**JURISDICTION**

1. With respect to the allegations in ¶ 1 of the Complaint, the Defendant submits such allegations constitute conclusions of law and do not require a responsive pleading.

2. With respect to the allegations in ¶ 2 of the Complaint, the Defendant submits such allegations constitute conclusions of law and do not require a responsive pleading.

### **VENUE**

3. With respect to the allegations in ¶ 3 of the Complaint, the Defendant submits such allegations constitute conclusions of law and do not require a responsive pleading.

### **PARTIES AND FIRST COUNT**

4. Admits the allegations set forth in ¶ 4 of the Complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 5 of the Complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 6 of the Complaint.
7. Denies the allegations set forth in ¶ 7 of the Complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 8 of the Complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 9 of the Complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 10 of the Complaint.
11. Denies the allegations set forth in ¶ 11 of the Complaint.
12. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in ¶ 12 of the Complaint.
13. Denies the allegations set forth in ¶ 13 of the Complaint.
14. Denies the allegations set forth in ¶ 14 of the Complaint.
15. Denies the allegations set forth in ¶ 15 of the Complaint.
16. Admits the allegations set forth in ¶ 16 of the Complaint.

## **SECOND COUNT**

17. With respect to the allegations set forth in ¶ 1 of the Second Count of the Complaint, the Defendant incorporates by reference the answers set forth above as if fully set forth herein.

18. Denies the allegations set forth in ¶ 2 of the Second Count of the Complaint.

19. With respect to the allegations in ¶ 8 (incorrectly numbered) of the Second Count of the Complaint, the Defendant submits such allegations constitute conclusions of law and do not require a responsive pleading.

## **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

20. The Complaint fails to state a cause of action upon which relief can be granted.

**WHEREFORE**, Defendant demands judgment dismissing the Complaint, granting the Defendant his costs, disbursements and attorneys' fees in this action, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 9, 2010

**TARTER KRINSKY & DROGIN LLP**  
*Attorneys for Lawrence Jacobs*  
*Defendant*

By: /s/ Alyse M. Aruch  
Scott S. Markowitz  
Alyse M. Aruch  
1350 Broadway, 11<sup>th</sup> Floor  
New York, New York 10018  
(212) 216-8000